

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**JOHN S. SOOS, III,**

**Plaintiff,**

**vs.**

**CITY OF ST. LOUIS/**

**ST. LOUIS INTERNATIONAL AIRPORT,**

**Defendants.**

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**Case No. 4:04CV1423MLM**

**MEMORANDUM OPINION**

This matter is before the court pursuant to the Motion to Strike Plaintiff's First Amended Complaint filed by Defendants. Doc. 21. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). Doc. 23.

**CASE HISTORY**

1. Plaintiff filed a Complaint on October 15, 2004, in which he alleged discrimination by Defendants in violation of Title VII of the Civil Rights Act of 1964. Doc. 2.
2. On February 17, 2005, Plaintiff filed two Motions for Extension of Time to Amend Complaint. Doc. 9, Doc. 10.
3. On February 25, 2005, Defendants filed an Answer and Affirmative defenses to Plaintiff's Complaint.
4. By Order dated March 1, 2005, the court denied Plaintiff's Motions for Extension of Time to Amend Complaint without prejudice and further ordered that such matters would be taken up at the Rule 16 Scheduling Conference.
5. By Order dated March 1, 2005, the court set a Rule 16 Joint Scheduling Conference for

March 29, 2005. Doc. 12.

6. The Joint Scheduling Conference was held, as scheduled, on March 29, 2005. Plaintiff was not present. Doc. 15. On that same date the court issued an Order to Show Cause ordering Plaintiff to show cause, in writing, no later than April 9, 2005, why this matter should not be dismissed for failure to prosecute. Doc. 16.

7. On April 1, 2005, Plaintiff filed a First Amended Complaint. Doc. 19.

8. On April 1, 2005, Plaintiff filed a Response to the Order to Show Cause in which Plaintiff contends that he did not receive notice that the Joint Scheduling Conference was to be held on March 29, 2005. Doc. 18.

9. On April 5, 2005, Defendants filed a Motion to Strike Plaintiff's First Amended Complaint in which Defendants allege that Plaintiff fails to state a cause of action; that Plaintiff was never employed by Defendants; that Plaintiff's claims are duplicitous; that matters alleged have previously been litigated; and that Plaintiff has not complied with Rules 8 and 10 of the Fed. R. Civ. P. Doc. 21.

10. On April 5, 2005, Defendants filed a Response to Plaintiff's Response to the Order to Show Cause in which they renewed their Motion to Strike Plaintiff's First Amended Complaint. Doc. 22.

## **DISCUSSION**

1. In their Motion to Strike the Plaintiff's First Amended Complaint Defendants allege, among other things, that Plaintiff fails to state a cause of action and that he has not complied with the Fed. R. Civ. P. 8. Significantly, Plaintiff has not responded to Defendants' claim that he has failed to comply with Rule 8. Rule 8, General Rules of Pleading, provides as follows:

(a) Claims for Relief. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, unless

the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded.

Plaintiff's First Amended Complaint merely recites numerous citations to federal statutes and states that Defendants have violated the enumerated statutory provisions. Plaintiff does not state any facts to support his claim that Defendants violated the enumerated statutes. Plaintiff's First Amended Complaint Plaintiff does not include a short and plain statement of his claim showing that he is entitled to relief as required by Rule 8(a). Because Plaintiff's First Amended Complaint fails to comply with Rule 8(a) and because an amended complaint supercedes an original complaint, the court finds that Defendants' Motion to Strike should be granted and that Plaintiff's case should be dismissed. See In re Atlas Van Lines, Inc. v. Poplar Bluff Transfer Co., 209 F.3d 1064, 1067 (8th Cir.2000) ("[A]n amended complaint supercedes an original complaint and renders the original complaint without legal effect.").

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' Motion to Strike Plaintiff's First Amended Complaint is **GRANTED**. [21]

**IT IS FURTHER ORDERED** that the court will issue a separate Judgment incorporating by reference this Memorandum Opinion.

/s/Mary Ann L. Medler  
MARY ANN L. MEDLER  
UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of May, 2005.

